

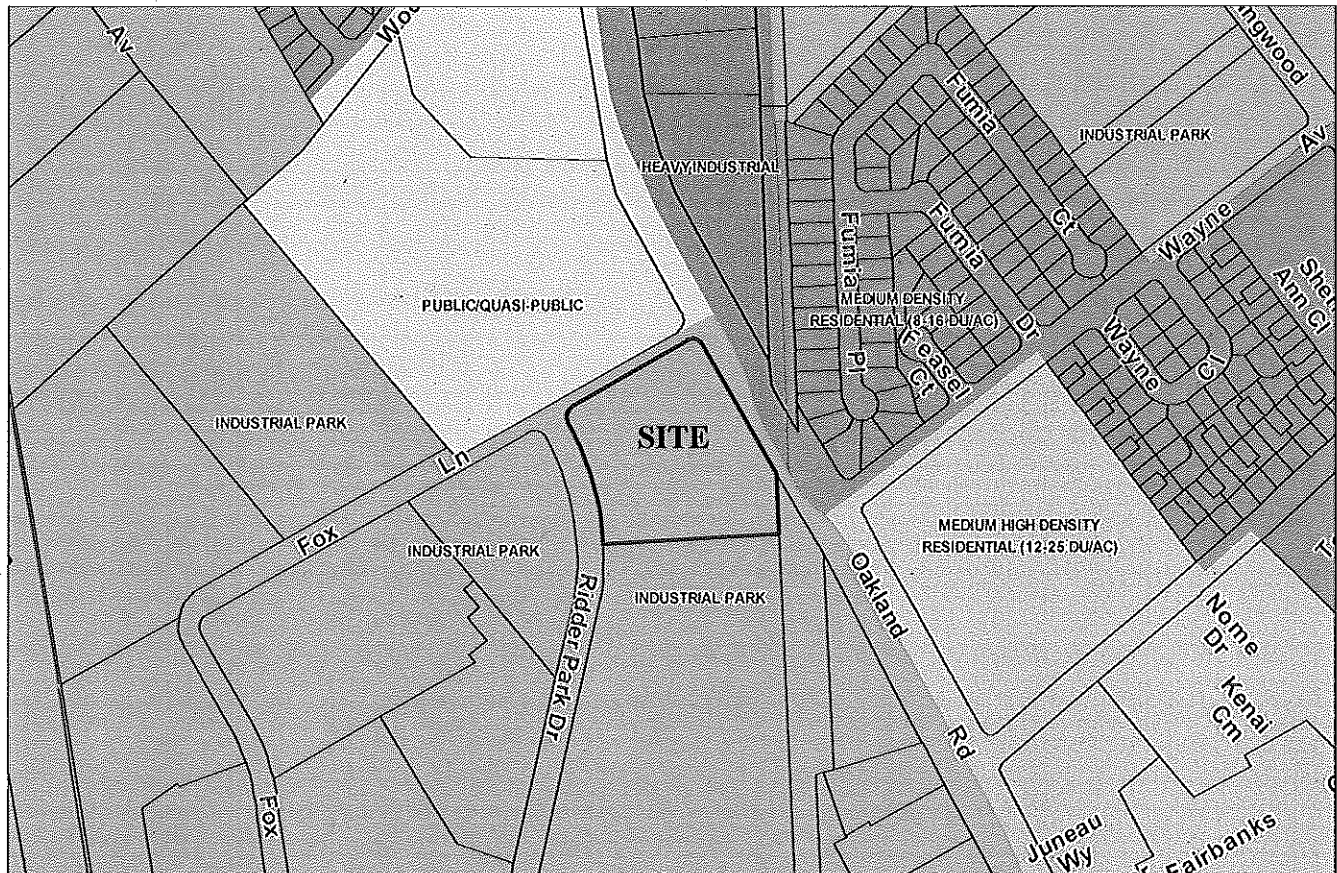


<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
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AERIAL MAP  
Figure 1

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
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**GENERAL PLAN MAP**  
Figure 2

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
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**I. AESTHETICS - Would the project:**

a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
b) Substantially damage scenic resources, including, but not limited to, trees, rock out-croppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
e) Increase the amount of shading on public open space (e.g. parks, plazas, and/or school yards) ?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2

**INTRODUCTION:**

Various policies in the City's General Plan have been adopted for the purpose of avoiding or mitigating visual and aesthetic impacts resulting from planned development within the City. All future development allowed by the proposed land use designations would be subject to the visual and aesthetic policies listed in Chapter 4, Goals and Policies, of the City's General Plan, including the following:

- *Urban Design Policy #1:* Apply Strong Architectural & Site Design Controls on Development
- *Urban Design Policy #2:* Private Development should include Adequate Landscaped Areas
- *Urban Design Policy #8:* Designs should consider Security, Aesthetics and Public Safety
- *Urban Design Policy #10:* Limits building height

In addition to the policies of the San José General Plan, future development allowed by the proposed land use designations would be required to comply with the following City policies and guidelines:

- San José Outdoor Lighting Policy (City Council Policy 4-3, as revised 6/20/00)
- San José Commercial Design Guidelines

**SETTING:** The subject site contains two existing one-story buildings used a variety of Industrial Park uses. Surface parking rings the two buildings. The site has perimeter landscaping in the form of grassy berms with mature trees, including native and non-native species.

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Figure 1. Photo of subject site, located at the southeast corner of Ridder Park Drive and Fox Lane. (Photo: Google Street View)

**FINDINGS:** The proposed General Plan Amendment from Industrial Park to Industrial Park with the Mixed industrial Overlay would not significantly degrade the existing visual character or quality of the site and its surroundings because no new construction would occur as a result of the project. Any future commercial development would be required to undergo site and architectural design review by Planning staff in conformance with the Commercial Design Guidelines to ensure compatibility with the surrounding neighborhood.

**STANDARD MEASURES:** The project shall implement the following standard measures:

- Future project design shall conform to the City's *Commercial Design Guidelines*.
- Lighting on the site shall conform to the City's *Outdoor Lighting Policy* (4-3).

**MITIGATION MEASURES:** None required.



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## II. AGRICULTURE RESOURCES - Would the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,4
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,4
c) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,4

**SETTING:** The subject site contains two existing buildings on a 3.5 gross acre site. The site has perimeter landscaping in the form of grassy berms with mature trees, including native and non-native species. Surrounding land uses are developed residential, public, and campus industrial in nature.

**FINDINGS:** The proposed project will not result in a significant impact on the agricultural resources of the City or Region because the subject site is not identified as prime farmland or used for agriculture.

**MITIGATION MEASURES:** None required.

## III. AIR QUALITY - Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,14
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,14
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,14
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,14
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,14

## INTRODUCTION:

The City of San José's General Plan contains policies that have been adopted for the purpose of avoiding or mitigating air quality impacts resulting from planned development within the City. All future development resulting from the proposed land use designation shall be subject to the air quality policies listed in General Plan Chapter 4, Goals and Policies, including:

- *Air Quality Policy #1:* The City should take into consideration the cumulative air quality impacts from proposed developments and should establish and enforce appropriate land uses and regulations to reduce air pollution consistent with the region's Clean Air Plan and state law.
- *Air Quality Policy #2:* Expansion and improvement of public transportation services and facilities should be promoted, where appropriate, to both encourage energy conservation and reduce air pollution.
- *Air Quality Policy #6:* The City should continue to actively enforce its ozone-depleting compound ordinance and supporting policy to ban the use of chlorofluorocarbon compounds (CFCs) in packaging and in building construction and remodeling to help reduce damage to the global atmospheric ozone layer.

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- *Transportation Policy #17*: Pedestrian travel should be encouraged as a mode of movement between residential and non-residential areas throughout the City and in activity areas such as schools, parks, transit stations, and in urban areas.
- *Transportation Policy #19*: The City should encourage walking, bicycling, and public transportation as preferred modes of transportation.
- *Transportation Policy #23*: Each land use has different pedestrian needs. Streets and sidewalk designs should relate to the function of the adjoining land use(s) and transit access points.
- *Transportation Policy #28*: The City should promote participation and implementation of appropriate Transportation Demand Management measure such as carpooling and vanpooling.
- *Transportation Policy #51*: Bike lanes are considered generally appropriate on arterial and major collector streets. Right-of-way requirements for bike lanes should be considered in conjunction with planning the major thoroughfares network and in implementing street improvement projects.

### Grading Ordinance

In addition to the City's General Plan policies, the City has adopted a grading ordinance, which mandates that all earth moving activities shall include requirements to control fugitive dust, including regular watering of the ground surface, cleaning nearby streets, damp sweeping, and planting any areas left vacant for extensive periods of time. All future development resulting from the proposed land use designation shall conform to the City's grading ordinance to reduce construction-related air quality impacts.

**SETTING:** Clean air is a natural resource important for a good quality of life. Pollutants in the air can cause health problems, especially for children, the elderly, and people with heart or lung disorders. Pollutants can also cause damage to vegetation, animals, and property. The Bay Area Air Quality Management District (BAAQMD) defines sensitive receptors as facilities where children, the elderly, and the acutely and chronically ill are likely to be located. Such land uses include residences, school playgrounds, child daycare centers, retirement homes, convalescent homes, hospitals and medical clinics. Sensitive receptors adjacent to the project site include existing residential uses to the east of the subject site and the school to the north of the subject site.

### Regulatory Framework

BAAQMD develops air quality plans to address the California Clean Air Act every three years. The plans are intended to demonstrate progress toward meeting the State's one-hour ozone Ambient Air Quality Standard. The Bay Area 2005 *Ozone Strategy* adopted January 2006 includes a comprehensive strategy to reduce emissions from stationary, area, and mobile sources. It explains how the San Francisco Bay Area will achieve compliance with the State one-hour air quality standard for ozone, and how the region will reduce transport of ozone and ozone precursors to neighboring air basins.

The Bay Area 2005 *Ozone Strategy* updates Vehicle Miles Traveled (VMT) and other assumptions in the 2000 Clean Air Plan (CAP) related to atmospheric ozone reduction. The proposed project's consistency with this regional plan is based on its consistency with the population/employment assumptions from ABAG that were utilized in developing the *Ozone Strategy*.

### Regional and Local Criteria Pollutants

Major criteria pollutants, listed in "criteria" documents by the U.S. Environmental Protection Agency (USEPA) and the California Air Resources Board (CARB), include ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, and suspended particulate matter (PM). These pollutants can have adverse health effects such as respiratory impairment and heart/lung disease symptoms. Under the federal Clean Air Act, the USEPA has classified the Bay Area as marginally "nonattainment" for the eight-hour ozone standard. The EPA required the region to attain the standard by 2007. The Bay Area has met the carbon monoxide standards for over a decade and is classified as "attainment

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maintenance” by the USEPA. The USEPA grades the region as “unclassified” for all other air pollutants, which include PM<sub>10</sub> and PM<sub>2.5</sub>. Historical data indicates that the South Bay Area does not meet the current national PM<sub>2.5</sub> standards. However, USEPA will not make attainment rulings until after review of a three-year data set collected after the standards were established in 2006. Attainment designations are anticipated around 2009 or 2010.

## **FINDINGS:**

### **Regional and Local Impacts**

BAAQMD has established thresholds for what would be considered a significant addition to existing air pollution. According to the BAAQMD CEQA Guidelines, a project that generates more than 80 pounds per day of reactive organic gases (ROG) is considered to have a potentially significant impact on regional air quality. In order to exceed the 80 pounds per day threshold, a typical project must generate at least 2,000 additional vehicle trips per day. BAAQMD generally does not recommend a detailed air quality analysis for projects generating less than 2,000 vehicle trips per day, unless warranted by the specific nature of the project setting.

The City of San Jose uses the threshold of significance established by the Bay Area Air Quality Management District (BAAQMD) to assess air quality impacts. Based on the BAAQMD threshold of significance, projects that generate fewer than 2,000 vehicle trips per day are not considered major air pollutant contributors and do not require a technical air quality study. The proposed General Plan Amendment would add the Mixed Industrial Overlay to a 3.5 acre site designated Industrial Park on the San Jose General Plan 2020 Land Use/Transportation diagram. No air quality study was prepared for this project because the project would not result in and of itself in an increase of vehicle trips per day. Future new construction would require subsequent environmental review.

### **Future Construction-Related Impacts**

Future construction activities on the project site such as excavation, construction vehicle traffic, and wind blowing over exposed earth would generate exhaust emissions and fugitive particulate matter emissions that could affect local and regional air quality. Construction activities can also be a source of organic gas emissions. Solvents in adhesives, non-water based paints, thinners, some insulating materials and caulking materials could evaporate into the atmosphere and participate in the photochemical reaction that creates urban ozone.

Construction dust from future site development approved subsequent to approval of the proposed General Plan Amendment could affect local air quality at various times during construction of the project. The dry, windy climate of the area during the summer months creates a high potential for dust generation when, and if, underlying soils are exposed to the atmosphere. The effects of future construction activities would increase dust and elevate local levels of PM<sub>10</sub> downwind of construction activity. Future development approved subsequent to approval of the proposed General Plan Amendment will be subject to applicable City General Plan policies and the City’s grading ordinance. Therefore, it would result in less than significant construction-related air quality impacts on the project site.

### **Project-Level Mitigation Measure to be considered at the Time of Future Development**

- Water all active construction areas at least twice daily and more often during windy periods to prevent visible dust from leaving the site; active areas during windy periods; active areas adjacent to existing land uses shall be kept damp at all times, or shall be treated with non-toxic stabilizers or dust palliatives.
- Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two (2) feet of freeboard.
- Pave, apply water at least three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.



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- Sweep daily (or more often if necessary) to prevent visible dust from leaving the site (preferably with water sweepers) all paved access roads, parking areas, and staging areas at construction sites; water sweepers shall vacuum up excess water to avoid runoff-related impacts to water quality.
- Sweep streets daily, or more often if necessary (preferably with water sweepers) if visible soil material is carried onto adjacent public streets.
- Install wheel washers for all existing trucks, or wash off the tires or tracks of all trucks and equipment leaving the site;
- Install windbreaks, or plant trees/ vegetative wind breaks at windward side(s) of construction areas.
- Suspend excavation and grading activities when winds instantaneous gusts exceed 25 mph; and
- Limit the area subject to excavation grading, and other construction activity at any one time

#### IV. BIOLOGICAL RESOURCES - Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,10
b) Have a substantial adverse effect on any aquatic, wetland, or riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,6,10
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act including, but not limited to, marsh, vernal pool, coastal, etc., through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,6
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,10
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,11
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2

#### INTRODUCTION:

Biological resources include plants and animals and the habitats that support them. Individual plant and animal species that are listed as rare, threatened or endangered under the state and/or federal Endangered Species Act, and the natural communities or habitats that support them, are of particular concern. Sensitive natural communities (e.g., wetlands, riparian woodlands, and oak woodland) that are critical to wildlife or ecosystem function are also important biological resources.

The avoidance and mitigation of significant impacts to biological resources under CEQA is consistent with and complementary to various federal, state, and local laws and regulations that are designed to protect these resources. Many of these regulations mandate that project sponsors obtain permits that include measures to avoid and/or mitigate impacts, prior to the commencement of development activities. Table 2 summarizes laws and regulations applicable to the proposed project.

Table 2

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<b>Regulation of Biological Resources</b>		
<b>Law/Regulation</b>	<b>Objective(s)</b>	<b>Responsible Agencies</b>
Federal Endangered Species Act California Endangered Species Act	Protect endangered species and their habitat and, ultimately restore their numbers to where they are no longer threatened or endangered.	USFWS, NOAA Fisheries CDFG
Federal Migratory Bird Treaty Act	Protect migratory birds, including their nests & eggs.	USFWS
California Fish & Game Code Section 3503.5	Protect birds of prey, including their nests & eggs.	CDFG
NOAA = National Oceanic & Atmospheric Administration USFWS = U.S. Fish & Wildlife Service CDFG = California Department of Fish & Game		

In addition to the laws and regulations listed above, various policies in the City's General Plan have been adopted for the purpose of avoiding or mitigating biological impacts resulting from planned development within the City. All future development allowed by the proposed land use designations would be subject to the biological policies listed in Chapter 4, Goals and Policies, of the City's General Plan, including the following:

- *Species of Concern Policy #2:* Habitat areas that support Species of Concern should be retained to the greatest extent feasible
- *Urban Forest Policy #2:* Development projects should include the preservation of ordinance-sized, and other significant trees. Any adverse affect on the health and longevity of native oaks, ordinance sized or other significant trees should be avoided through appropriate design measures and construction practices. When tree preservation is not feasible, the project should include appropriate tree replacement. In support of these policies the City should: 1) Continue to implement the Heritage Tree program and the Tree Removal Ordinance. 2) Consider the adoption of Tree Protection Standards and Tree Removal Mitigation Guidelines.
- *Urban Forest Policy #3:* The City encourages the maintenance of mature trees on public and private property
- *Urban Forest Policy #4:* In order to realize the goal of providing street trees along all residential streets, the City should require the planting and maintenance of street trees as a condition of development.
- *Urban Forest Policy #5:* The City should encourage the selection of trees appropriate for a particular urban site. Tree placement should consider energy saving values, nearby power lines, and root characteristics.
- *Urban Forest Policy #6:* Trees used for new plantings in urban areas should be selected primarily from species with low water requirements.
- *Urban Forest Policy #7:* Where appropriate, trees that benefit urban wildlife species by providing food or cover should be incorporated in urban plantings.
- *Urban Design Policy #2:* Include Adequate Landscaping in Private Development
- *Urban Design Policy #24:* Preserve Ordinance-sized and Other Significant Trees in New Development

**SETTING:** The subject site contains two existing buildings on a 3.5 gross acre site. The site has perimeter landscaping in the form of grassy berms with mature trees, including native and non-native species. Surrounding land uses are developed residential, public, and campus industrial in nature. No rare, threatened, endangered or special status species of flora or fauna are known to inhabit the site based on a review of the California Department of Fish & Game, California Natural Diversity Database, 2001 as well as a site visit.

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## FINDINGS:

### Trees

No trees are proposed for removal as a result of the proposed change in land use to Industrial Park with the Mixed Industrial Overlay. Construction of a future project in conformance with the General Commercial land use designation could result in the removal of trees from the site, which could include ordinance-sized trees. The exact number of trees to be removed would be determined at the development permit stage, and the project would require subsequent environmental review and would be required to conform to the City's tree preservation ordinance. Also, any tree removal would require replacement trees, which would be provided in conformance with City policy. Replacement trees would be over and above the regular landscaping to be provided on the site.

### Urban Wildlife

The project site may provide habitat for wildlife species associated with urban areas. Trees in urban areas provide food and cover for wildlife adapted to this environment, including birds such as house finch, mourning dove, house sparrow, and Brewer's blackbird. In addition, mature trees on the project site may provide nesting habitat for raptors or birds of prey. Raptors and their nests are protected under the Migratory Bird Treaty Act of 1918 and California Department of Fish and Game (CDFG) Code Sections 3503 and 3503.5. Although no raptors or nests were observed on the site, mature trees suitable for raptor nesting occur on the site. Despite the urban nature of the site, a slight potential exists for raptors to nest in these trees. No other rare, threatened, or endangered animal species were observed on the project site, nor are any expected to occur since the subject site and surrounding area is developed with urban land uses.

**STANDARD MEASURES:** All trees that would be removed as a result of future development shall be replaced at the following ratios:

Diameter of Tree to be Removed	Type of Tree to be Removed			Minimum Size of Each Replacement Tree
	Native	Non-Native	Orchard	
18 inches or greater	5:1	4:1	3:1	24-inch box
12 - 18 inches	3:1	2:1	none	24-inch box
less than 12 inches	1:1	1:1	none	15-gallon container

x:x = tree replacement to tree loss ratio

**Note:** Trees greater than 18" diameter shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees.

The species and exact number of trees to be planted on the site will be determined at the development permit stage, in consultation with the City Arborist and the Department of Planning, Building, and Code Enforcement.

In the event the project site does not have sufficient area to accommodate the required tree mitigation, one or more of the following measures will be implemented, to the satisfaction of the Director of Planning, Building and Code Enforcement, at the development permit stage:

- The size of a 15-gallon replacement tree may be increased to 24-inch box and count as two replacement trees.
- An alternative site(s) will be identified for additional tree planting. Alternative sites may include local parks or schools or installation of trees on adjacent properties for screening purposes to the satisfaction of the Director of the

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Department of Planning, Building, and Code Enforcement. Contact Jaime Ruiz, the PRNS Landscape Maintenance Manager, at (408)975-7214 for specific park locations in need of trees.

- A donation of \$300 per mitigation tree to Our City Forest for in-lieu off-site tree planting in the community. These funds will be used for tree planting and maintenance of planted trees for approximately three years. Contact Rhonda Berry, Our City Forest, at (408) 998-7337 x106 to make a donation. A donation receipt for off-site tree planting shall be provided to the Planning Project Manager prior to issuance of a development permit.

#### V. CULTURAL RESOURCES - Would the project:

a) Cause a substantial adverse change in the significance of an historical resource as defined in CEQA Guidelines §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,7
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,8
c) Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,8
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,8

#### INTRODUCTION:

The San José 2020 General Plan contains policies that have been adopted for the purpose of avoiding or mitigating cultural resources impacts resulting from planned development within the City. All future development resulting from the proposed land use designation shall be subject to the cultural resources policies listed in Chapter 4, Goals and Policies, of the City's General Plan, including the following:

- *Historic, Archaeological and Cultural Resources Policy #1:* Because historically or archaeologically significant sites, structures and districts are irreplaceable resources, their preservation should be a key consideration in the development review process.
- *Historic, Archaeological and Cultural Resources Policy #8:* For proposed development sites that have been identified as archaeologically sensitive, the City should require investigation during the planning process in order to determine whether valuable archaeological remains may be affected by the project and should also require that appropriate mitigation measures be incorporated into the project design.
- *Historic, Archaeological and Cultural Resources Policy #9:* Recognizing that Native American burials may be encountered at unexpected locations, the City should impose a requirement on all development permits and tentative subdivision maps that upon discovery of such burials during construction, development activity will cease until professional archaeological examination and reburial in an appropriate manner is accomplished.

#### SETTING:

##### Prehistoric Resources

According to the City's Archaeological Sensitivity Map, the project site has a low potential for the discovery of archaeological resources and is not considered archaeologically sensitive.

##### Historic Resources

The existing concrete building on the site was constructed in 1985, and is approximately 24 years old, which is less than the 45-year old threshold used in the City of San Jose for historic review.

**FINDINGS:** The project would not have an adverse effect on archaeological resources because no new construction is proposed. Future development that may be approved subsequent to the approval of the General Plan amendment would undergo subsequent environmental review.

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**STANDARD MEASURES:**

Should evidence of prehistoric cultural resources be discovered during future construction, work within 50 feet of the find shall be stopped to allow adequate time for evaluation and mitigation by a qualified professional archaeologist. The material shall be evaluated and if significant, a mitigation program including collection and analysis of the materials at a recognized storage facility shall be developed and implemented under the direction of the City's Environmental Principal Planner.

As required by County ordinance, any future project would be required to adhere to the following guidelines:

Pursuant to Section 7050.5 of the Health and Safety Code, and Section 5097.94 of the Public Resources Code of the State of California in the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission who shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the land owner shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.

**VI. GEOLOGY AND SOILS - Would the project:**

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
1) Rupture of a known earthquake fault, as described on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,5,24
2) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,5,24
3) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,5,24
4) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,5,24
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,5,24
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,5,24
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,5,24
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,5,24

**INTRODUCTION:**

The San Jose 2020 General Plan contains policies that have been adopted for the purpose of avoiding or mitigating geology and soils impacts resulting from planned development within the

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
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City. All future development resulting from the proposed General Plan land use designation shall be subject to the geology and soils policies listed in Chapter 4, Goals and Policies, of the City's General Plan, including the following:

- *Soils and Geology Conditions Policy #1*: The City should require soils and geologic review of development proposals to assess such hazards as potential seismic hazards, surface ruptures, liquefaction, landholdings, mud sliding, erosion and sedimentation in order to determine if these hazards can be adequately mitigated.
- *Earthquake Policy #1*: The City should require that all new buildings be designed and constructed to resist stresses produced by earthquakes.
- *Earthquake Policy #3*: The City should only approve new development in areas of identified seismic hazard if such hazard can be appropriately mitigated.
- *Earthquake Policy #6*: Development in areas subject to soils and geologic hazards should incorporate adequate mitigation measures.

## SETTING:

### Soil Conditions

The subject site is located in the Coast Range of Central California, which consists of complexly faulted and folded Mesozoic and Cenozoic rocks with a generally northwest structural grain. The project site is generally level with a depth to groundwater of 30 to 50 feet. The silt loam soil on-site is moderately expansive. The site is not subject to liquefaction according to the City of San Jose MapInfo database.

### Seismicity and Seismic Hazards

The San Francisco Bay Area is one of the most seismically active regions in the United States. Santa Clara County is classified as Zone 4, the most seismically active zone. An earthquake of moderate to high magnitude generated within the San Francisco Bay region could cause considerable ground shaking at the project site. The degree of shaking is dependent on the magnitude of the event, the distance to its zone of rupture, and local geologic conditions.

The project site is not located in an Alquist-Priolo Earthquake Fault Zone, also known as a Geologic Hazard Zone. It is located approximately ten miles south west of the Hayward fault.

## FINDINGS

The site is not located within a Geologic Hazard Zone or subject to liquefaction. However, the project site is located within the seismically active San Francisco region, which requires that any future buildings be designed and built in conformance with the requirements of the Uniform Building Code for Seismic Zone 4. The potential for geologic and soils impacts resulting from conditions on the site would be mitigated at the time of future development by utilizing standard engineering and construction techniques.

Mitigation measures to be considered at the time of future development include:

### STANDARD MEASURES:

- The proposed structures on the site would be designed and constructed in conformance with the Uniform Building Code Guidelines for Seismic Zone 4 to avoid or minimize potential damage from seismic shaking on the site.
- A soil investigation report addressing the potential hazard of liquefaction must be submitted to, reviewed and approved by the City Geologist prior to issuance of a grading permit or Public Works Clearance. The investigation should be consistent with the guidelines published by the State of California (CDMG Special Publication 117) and the Southern California Earthquake Center ("SCEC" report).



<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
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**MITIGATION MEASURES:** None required.

## VII. HAZARDS AND HAZARDOUS MATERIALS - Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,12
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
g) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

## INTRODUCTION:

The San Jose 2020 General Plan contains policies that have been adopted for the purpose of avoiding or mitigating hazards and hazardous materials impacts resulting from planned development within the City. All future development resulting from the proposed land use designation shall be subject to the geology and soils policies listed in Chapter 4, Goals and Policies, of the City's General Plan, including the following:

- *Hazardous Materials Policy #1.* The City should require proper storage and disposal of hazardous materials to prevent leakage, potential explosions, fires, or the escape of harmful gases, and to prevent individually innocuous materials from combining to form hazardous substances, especially at the time of disposal.
- *Hazardous Materials Policy #3:* The City should incorporate soil and groundwater contamination analysis with the environmental review process for development proposals. When contamination is present on a site, the City should report this information to the appropriate agencies that regulate the cleanup of toxic materials.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
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**SETTING:**

The subject site contains two existing one-story buildings used a variety of Industrial Park uses. Surface parking rings the two buildings. The site has perimeter landscaping in the form of grassy berms with mature trees, including native and non-native species. All uses are conducted indoors without use of hazardous materials. Staff visited the site in January of 2009. No visual evidence was observed indicating the presence of underground storage tanks (USTs) such as concrete pads, vent lines, or pump islands. Also, no visual evidence was observed of sumps, drains, or pits. No evidence of polychlorinated biphenyls (PCBs) was observed on the project site. The United States Geological Survey (USGS) considers this site to have a low potential for exposure to radon. The subject site does not appear on the State Hazardous Sites and Substances list of contaminated sites.

**FINDINGS:**

Future commercial uses on the subject site would be subject to subsequent environmental review.

**STANDARD MEASURES:**

- In conformance with State and Local laws, a visual inspection/pre-demolition survey, and possible sampling, will be conducted prior to any future demolition of the building to determine the presence of asbestos-containing materials and/or lead-based paint.
- All potentially friable asbestos-containing materials shall be removed in accordance with National Emissions Standards for Hazardous Air Pollutants (NESHAP) guidelines prior to any future building demolition or renovation that may disturb the materials. All demolition activities will be undertaken in accordance with Cal/OSHA standards, contained in Title 8 of the California Code of Regulations (CCR), Section 1529, to protect workers from exposure to asbestos. Materials containing more than one percent asbestos are also subject to Bay Area Air Quality Management District (BAAQMD) regulations.
- During any future demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Construction Standard, Title 8, California Code of Regulations 1532.1, including employees training, employee air monitoring and dust control. Any debris or soil containing lead-based paint or coatings will be disposed of at landfills that meet acceptance criteria for the waste being disposed.

**MITIGATION MEASURES:** None required.

**VIII. HYDROLOGY AND WATER QUALITY - Would the project:**

a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,15
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
c) Substantially alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on-or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on-or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
e) Create or contribute runoff water, which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,17
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
g) Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,9
h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,9
i) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
j) Be subject to inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

## INTRODUCITON:

### City of San José General Plan, Council Policy 6-29, and Council Policy 8-14

The City of San José's General Plan contains policies that have been adopted for the purpose of avoiding or mitigating hydrology and water quality impacts resulting from planned development within the City. All future development resulting from the proposed land use designation shall be subject to the hydrology and water quality policies listed in Chapter 4, Goals and Policies, of the City's General Plan, including the following:

- *Level of Service Goal #2:* Achieve the following level of service for these City services: For storm drainage, to minimize flooding on public streets and to minimize property damage from stormwater.
- *Level of Service Policy #2:* Capital and facility needs generated by new development should be financed by new development. The existing community should not be burdened by increased taxes or by lowered service levels to accommodate the needs created by new growth. The City Council may provide a system whereby funds for capital and facility needs may be advanced and later repaid by the affected property owners.
- *Level of Service Policy #12:* New projects should be designed to minimize potential damage due to stormwaters and flooding to the site and other properties.
- *Storm Drainage and Flood Control Policy #12:* New projects should be designed to minimize potential damage due to stormwaters and flooding to the site and other properties.
- *Flooding Policy #7:* The City should require new urban development to provide adequate flood control retention facilities.
- *Bay and Bay lands Policy #5:* The City should continue to participate in the Santa Clara Valley Non-Point Source Pollution Control Program and take other necessary actions to formulate and meet regional water quality standards, which are implemented through the National Pollution Discharge Elimination System Permits and other measures.
- *Water Resources Policy #8:* The City should establish policies, programs, and guidelines to adequately control the discharge of urban runoff and other pollutants into the City's storm drains.
- *Water Resources Policy #9:* The City should take a proactive role in the implementation of the Santa Clara Valley Urban Runoff Pollution Prevention Program.
- *Water Resources Policy #12:* For all new discretionary development permits for projects incorporating large paved areas or other hard surfaces (e.g., building roofs), the City should require specific construction and post-construction measures to control the quantity and improve the water quality of urban runoff.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
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In addition to the City's General Plan policies, future development resulting from the proposed land use designation shall be required to comply with the following City policies:

- *City of San José Post-Construction Urban Runoff Management Policy 6-29*, which establishes guidelines and minimum BMPs for all projects.
- *City of San José Post-Construction Hydromodification Management Policy 8-14*, which provides for numerically sized or hydraulically sized treatment control measures.

#### **SETTING:**

The discharge of stormwater from the City's municipal storm sewer system is regulated primarily under the Federal Clean Water Act and California's Porter-Cologne Water Quality Control Act. The San Francisco Bay Regional Water Quality Control Board (RWQCB) implements these regulations at the regional level. The Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) was developed in accordance with the requirements of the revised 1995 version of the San Francisco Bay Basin Water Quality Control Plan, for the purpose of reducing water pollution associated with urban storm water runoff. The program was also designed to fulfill the requirements of Section 304(1) of the Federal Clean Water Act, which mandated that the Environmental Protection Agency develop National Pollutant Discharge Elimination System (NPDES) Permit application requirements for various storm water discharges, including those from municipal storm drain systems and construction sites. The provisions of the SCVURPPP NPDES permit require each of the permit holders, including the City of San José, to implement measures/Best Management Practices (BMPs) to reduce stormwater pollution from new development or redevelopment projects to the maximum extent practicable.

Additional water quality control measures were approved in October 2001 when the RWQCB adopted an amendment to the NPDES permit file no. CAS029718 Provision C.3. for Santa Clara County. This amendment, which is commonly referred to as "C3," requires all new and redevelopment projects that result in the addition or replacement of impervious surfaces totaling one acre or more to (1) include stormwater treatment measures; (2) ensure that the treatment measures be designed to treat an optimal volume or flow of stormwater runoff from the project site; and (3) ensure that stormwater treatment measures are properly installed, operated, and maintained.

As of August 15, 2006, this amendment requires all new and redevelopment projects that result in the addition or replacement of impervious surfaces totaling 10,000 square feet or more, to be designed with BMPs that reduce storm water pollution to the maximum extent practicable through source control measures and storm water treatment measures and to include hydraulically-sized TCMs.

#### **Drainage and Flooding**

The nearest waterway to the project site is Coyote Creek, which is located approximately 0.5 miles east of the site. The subject site drains into a City storm drain on Ridder Park Drive. According to the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Map (FIRM), the project site is located within Zone D, which is defined as areas of undetermined but possible flood hazards. The project site is not located within a 100-year flood zone.

#### **Water Quality**

The water quality of streams, creeks, ponds, and other surface water bodies can be greatly affected by pollution carried in contaminated surface runoff. Pollutants from unidentified sources, known as non-point source pollutants, are washed from streets, construction sites parking lots, and other exposed surfaces into storm drains. The runoff often contains contaminants such as oil and grease, plant and animal debris such as leaves, dust, animal feces, etc., pesticides, litter, and heavy metals. In sufficient concentration, these pollutants have been found to adversely affect the aquatic habitat of waterways such as Coyote Creek, which eventually flows into San Francisco Bay.

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Sources
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### Drainage and Flooding

The subject site is largely impervious except perimeter-landscaped areas. Future development would be required to connect to the City's existing storm drain system.

### FINDINGS:

Based on the FEMA flood insurance maps for the City of San Jose, the project site is not located within a 100-year floodplain and would therefore have no impact on 100-year flows. The project would not expose people to flood hazards associated with the 100-year flood. The project site is not subject to flooding due to dam failure, seiches, or tsunamis.

### Water Quality – During and Post-Construction

New commercial development would be subject to implementation of General Plan policies, Council Policy 6-29, and Council Policy 8-14. Implementation of these policies would reduce potential water quality impacts to less than significant levels.

The proposed project is 3.5 acres in size. The site is currently covered with approximately 110,000 square feet of impervious surface. The proposed project would add no new impervious surface. The total square footage of impervious surface would remain unchanged.

The project shall comply with the City of San Jose's Grading Ordinance, including erosion and dust controls during site preparation, and with the City of San Jose's Zoning Ordinance requirement of keeping adjacent streets free of dirt and mud during construction.

**STANDARD MEASURES:** At the time of future development, implementation of the following standard measures, consistent with NPDES Permit and City Policy requirements, will reduce potential construction impacts to surface water quality to less than significant levels:

### Construction Measures

- Prior to the commencement of any clearing, grading or excavation, the project shall comply with the State Water Resources Control Board's National Pollutant Discharge Elimination System (NPDES) General Construction Activities Permit, to the satisfaction of the Director of Public Works, as follows:
  1. The applicant shall develop, implement and maintain a Storm Water Pollution Prevention Plan (SWPPP) to control the discharge of stormwater pollutants including sediments associated with construction activities;
  2. The applicant shall file a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB).
  
- The project shall incorporate Best Management Practices (BMPs) into the project to control the discharge of stormwater pollutants including sediments associated with construction activities. Examples of BMPs are contained in the publication *Blueprint for a Clean Bay*. Prior to the issuance of a grading permit, the applicant may be required to submit an Erosion Control Plan to the City Project Engineer, Department of Public Works, 200 E. Santa Clara Street, San Jose, California 95113. The Erosion Control Plan may include BMPs as specified in ABAG's *Manual of Standards Erosion & Sediment Control Measures* for reducing impacts on the City's storm drainage system from construction activities. For additional information about the Erosion Control Plan, the NPDES Permit requirements or the documents mentioned above, please call the Department of Public Works at (408) 535-8300.
  
- The project applicant shall comply with the City of San Jose Grading Ordinance, including erosion and dust control during site preparation and with the City of San Jose Zoning Ordinance requirements for keeping adjacent streets free of dirt and mud during construction. The following specific BMPs will be implemented to prevent stormwater pollution and minimize potential sedimentation during construction:

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
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1. Restriction of grading to the dry season (April 15 through October 15) or meet City requirements for grading during the rainy season.
2. Utilize on-site sediment control BMPs to retain sediment on the project site;
3. Utilize stabilized construction entrances and/or wash racks;
4. Implement damp street sweeping;
5. Provide temporary cover of disturbed surfaces to help control erosion during construction;
6. Provide permanent cover to stabilize the disturbed surfaces after construction has been completed.

### **Post-Construction**

- Prior to the issuance of a Planned Development Permit, the applicant must provide details of specific Best Management Practices (BMPs), including, but not limited to, bioswales, disconnected downspouts, landscaping to reduce impervious surface area, and inlets stenciled "No Dumping – Flows to Bay" to the satisfaction of the Director of Planning, Building and Code Enforcement.
- The project shall comply with Provision C.3 of NPDES permit Number CAS0299718, which provides enhanced performance standards for the management of stormwater of new development.
- The project shall comply with applicable provisions of the following City Policies – 1) Post-Construction Urban Runoff Management Policy (6-29) which establishes guidelines and minimum BMPs for all projects and 2) Post-Construction Hydromodification Management Policy (8-14) which provides for numerically sized (or hydraulically sized) TCMs.

### **IX. LAND USE AND PLANNING - Would the project:**

a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2

### **INTRODUCTION:**

Many of the policies in the City's General Plan have been adopted for the purpose of avoiding or mitigating land use impacts resulting from planned development within the City. All future development allowed by the proposed land use designations would be subject to the land use policies listed in Chapter 4, Goals and Policies, of the City's General Plan, including the following:

- *Urban Design Policy #1:* Apply strong architectural and site design controls.
- *Urban Design Policy #2:* Private development should include adequate landscaped areas.
- *Urban Design Policy #8:* Designs to Consider Security, Aesthetics and Public Safety
- *Urban Design Policy #10:* Limits on building height.
- *Commercial Land Use Policy #1:* Distribute commercial land uses to maximize community accessibility and minimizes the need for automobile travel.
- *Commercial Land Use Policy #2:* New commercial uses should be located in existing or new shopping centers or in established strip commercial areas.



<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
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**FINDINGS:** The proposed project will not physically divide an established community because the amendment is not changing the underlying land use designation, but rather adding additional uses to the project site.

The subject site is located in an area that is protected by an adopted Habitat Conservation Plan, Natural Community Conservation Plan; however since there is no development proposed there would be no impacts. Therefore, no impacts would occur as a result of the new project.

The Planning Agreement for the HCP/NCCP requires that the California Department of Fish and Game (DFG) and other agencies comment on Reportable Interim Projects and recommend mitigation measures or project alternatives that will help achieve the preliminary conservation objectives and not preclude important conservation planning options or connectivity between areas of high habitat value. The project site is within the interim referral area; future development may be referred to resource agencies as necessary.

The project is consistent with the above General Plan Policies and will further the goals of Commercial Land Use Policies No. 1 and 2 to provide better distribution of and access to commercial uses.

**MITIGATION MEASURES:** None required.

#### **X. MINERAL RESOURCES - Would the project:**

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,23
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,23

#### **FINDINGS:**

Extractive resources known to exist in and near the Santa Clara Valley include cement, sand, gravel, crushed rock, clay, and limestone. Santa Clara County has also supplied a significant portion of the nation's mercury over the past century. Pursuant to the mandate of the Surface Mining and Reclamation Act of 1975 (SMARA), the State Mining and Geology Board has designated: the Communications Hill Area (Sector EE), bounded generally by the Southern Pacific Railroad, Curtner Avenue, State Route 87, and Hillsdale Avenue, as containing mineral deposits which are of regional significance as a source of construction aggregate materials.

Neither the State Geologist nor the State Mining and Geology Board has classified any other areas in San José as containing mineral deposits which are either of statewide significance or the significance of which requires further evaluation. Therefore, other than the Communications Hill area cited above, San José does not have mineral deposits subject to SMARA.

**MITIGATION MEASURES:** None required.

#### **XI. NOISE - Would the project result in:**

a) Exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,13,18
b) Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

## INTRODUCTION:

### City of San José General Plan

The City of San José's General Plan contains goals and policies, which pertain to desired noise levels for various land uses located within the City. These policies and goals are expressed in terms of the DNL. The General Plan cites long-term and short-term exterior DNL goals for residential uses of 55 dBA and 60 dBA, respectively. Outdoor uses on sites where the DNL is above 60 dBA should be limited to acoustically protected areas. The General Plan also distinguishes between noise from transportation sources and noise from non-transportation or stationary sources. The short-term exterior noise goal is 60 dBA DNL for transportation sources. For stationary sources, the exterior noise goal is 55 dBA DNL at the property line between sensitive land uses such as residences, schools, libraries, hospitals, etc.) and non-sensitive land uses such as commercial and industrial uses.

The San José 2020 General Plan specifically recognizes that these goals may not be achieved within the timeframe of the General Plan at certain areas of the City, which are affected by noise from aircraft and major roadway traffic. These areas include (1) the Downtown Core Area, (2) the area around Norman Y. Mineta San José International Airport, and (3) areas adjacent to major roadways. All future development resulting from the proposed land use designation shall be subject to the noise policies listed in Chapter 4, Goals and Policies, of the City's General Plan, including the following:

- *Noise Policy #1:* The City's acceptable noise level objectives are 55 DNL as the long-range exterior noise quality level, 60 DNL as the short-range exterior noise quality level, 45 DNL as the interior noise quality level, and 76 DNL as the maximum exterior noise level necessary to avoid significant adverse health effects. To achieve the noise objectives, the City should require appropriate site and building design, building construction, and noise attenuation techniques in new residential development.
- *Urban Design Policy #18:* To the extent feasible, sound attenuation for development along City streets should be accomplished through the use of landscaping, setback, and building design rather than the use of sound attenuation walls. Where sound attenuation walls are deemed necessary, landscaping, and an aesthetically pleasing design shall be used to minimize visual impact.
- *Noise Policy #9:* Construction operations should use available noise suppression devices and techniques.

## SETTING:

The subject is located on the southeast corner of Ridder Park Drive and Fox Lane. Surrounding land uses include single-family residential to the east; Orchard School to the north; and industrial park uses to the west and south. The primary noise source in the project area is vehicular traffic on Oakland Road. Noise in the project area does not exceed the 60 dBA DNL according to the MapInfo database.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
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While CEQA does not specifically define what noise level increase is considered significant, generally in high noise environments, a project is considered to have a significant impact if the project would substantially and permanently increase existing noise levels by more than three (3) dBA which is the minimum increase generally perceptible by the human ear, or would cause noise levels to exceed established City guidelines. Where the existing noise level is lower, a somewhat higher increase such as five dBA can be tolerated before the impact is considered significant.

### **Applicable Standards and Policies**

Several factors influence sound as it is perceived by the human ear, including the actual level of sound, the period of exposure to the sound, the frequencies involved, and fluctuation in the noise level during exposure. Noise is measured on a “decibel” scale, which serves as an index of loudness. Because the human ear cannot hear all pitches or frequencies, sound levels are frequently adjusted or weighted to correspond to human hearing. This adjusted unit is known as the “A-weighted” decibel or dBA. Further, sound is averaged over time and penalties are added to the average for noise that is generated during times that may be more disturbing to sensitive uses such as early morning, or late evening.

Since excessive noise levels can adversely affect human activities such as conversation, sleeping, and human health, federal, state, and local governmental agencies have set forth criteria or planning goals to minimize or avoid these effects. The noise guidelines are almost always expressed using one of several noise averaging methods such as  $L_{eq}$ , DNL, or CNEL. Using one of these descriptors is a way for a location’s overall noise exposure to be measured. Of course, there are specific moments when noise levels are higher such as when a jet is taking off from Norman Y. Mineta San José International Airport or a leaf blower is operating, and specific moments when noise levels are lower such as during lulls in traffic flows on US 101 or in the middle of the night. For this initial study, the DNL will be used as it is consistent with the guidelines for the State of California and the City of San José.

### **State of California – Title 24**

The State of California Title 24, Part 2 of the Administrative Code, requires that new multi-family housing in California be constructed such that the interior DNL does not exceed 45 dB. Where exterior noise levels exceed a DNL of 60 dB, a report must be submitted with the building plans describing the noise control measures, which have been incorporated in the design to meet the interior noise level requirements. Title 24 also requires minimum sound transmission ratings for common interior partitions separating dwelling units from each other and dwelling units from common spaces.

## **FINDINGS:**

### **Noise Exposure Impacts to the Project**

The existing noise levels at the site do not exceed the City’s exterior and interior noise goals. It is anticipated that any future development will also be designed and mitigated to meet the City’s exterior and interior noise goals and standards. Future development that may be approved subsequent to the approval of the proposed General Plan Amendment will be subject to applicable General Plan policies, including those listed previously, and Title 24; and therefore, result in less than significant exterior and interior noise impacts.

### **Noise Impacts From the Project**

#### **Project-Generated Traffic**

Implementation of the proposed project would not result in a net decrease of average daily trips. For traffic noise to increase noticeably, a minimum of a three dB increase, existing traffic volumes typically must double. Any future development proposal would be required to meet the City’s noise policies.

#### **Future Short-Term Construction Noise**

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
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Short-term noise will be analyzed at the time of a development project.

### Project-Level Mitigation Measures to be considered at the Time of Future Development

#### Noise Exposure Impacts to the Project

- Any future development proposal on-site should complete an environmental noise assessment to ensure that future development meets City noise goals for exterior and interior noise levels prior to zoning approval.

#### Short-Term Construction Noise

- Future noise-generating construction activities should be limited to the hours between 7:00 AM and 7:00 PM Monday through Friday for any on-site or off-site work within 500 feet of any residential unit. Construction outside of these hours may be approved through a development permit based on a site-specific construction noise mitigation plan and a finding by the Director of Planning, Building, and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses.
- Contractors for future development should use "new technology" power construction equipment with state-of-the-art noise shielding and muffling devices. All internal combustion engines used on the project should be equipped with adequate mufflers and shall be in good mechanical condition to minimize noise created by faulty or poor maintained engines or other components.
- Future development staging areas should be located a minimum of 200 feet from noise sensitive receptors including the residential uses to the east of the site.
- Post-construction mechanical equipment shall conform to the City's General Plan limitation of 55DNL at residential property lines and 60DNL at commercial property lines.

## XII. POPULATION AND HOUSING - Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

**FINDINGS:** The proposal would not result in any changes to population or housing.

**MITIGATION MEASURES:** None required.

## XIII. PUBLIC SERVICES

a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:					
Fire Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
Other Public Facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2

**FINDINGS:**

The project site is located in an urbanized area of San Jose, and well served by existing Fire, Police, School, Park and other Public Facilities. The site is served by Fire Station 4 at Leigh Avenue and Moorpark Avenue within a four-minute average response time. No additional Fire or Police personnel or equipment are necessary to serve the proposed project.

**MITIGATION MEASURES:** None required.

**XIV. RECREATION**

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2

**FINDINGS:** The proposed project would not increase the number of residents on the site, and therefore is not expected to impact the use of existing parks or recreation centers such that deterioration would occur or be accelerated.

**MITIGATION MEASURES:** None required.

**XV. TRANSPORTATION / TRAFFIC - Would the project:**

a) Cause an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio of roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,19
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,19
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,19
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,19
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,20
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,18
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,18

**INTRODUCTION:**

Various policies in the City's General Plan have been adopted for the purpose of avoiding or mitigating transportation and traffic impacts resulting from planned development within the City. All future development allowed by the proposed land use designations would be subject to the transportation policies listed in Chapter 4, Goals and Policies, of the City's General Plan, including the following:

- *Level of Service Policy #5:* Maintain specified levels of service.

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- *Transportation Policy #3*: Provide right-of-way dedication and improvements.
- *Transportation Policy #8*: Factor safety for all modes into the design of streets and roadways.
- *Transportation Policy #9*: Discourage through traffic on neighborhood streets.
- *Transportation Policy #16*: Encourage pedestrian travel by providing pedestrian facilities.
- *Transportation Policy #43*: Priority improvements to the transportation bicycle network.

#### **FINDINGS:**

The proposal would not result in any change of use and therefore would not result in any change in traffic. Any future proposed change of use would be required to meet the General Plan Traffic Policies:

**MITIGATION MEASURES:** None required.

#### **XVI. UTILITIES AND SERVICE SYSTEMS - Would the project:**

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,15
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,21
c) Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,17
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,22
e) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,21
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,21
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,21

#### **INTRODUCTION:**

Various policies in the City's General Plan have been adopted for the purpose of avoiding or mitigating utility-related impacts resulting from planned development within the City. All future development allowed by the proposed land use designations will be subject to the utility and service policies listed in Chapter 4, Goals and Policies, of the City's General Plan, including the following:

- *Level of Service Policy #2*: Capital and facility needs generated by new development should be financed by new development.
- *Level of Service Policy #6*: Standard is level of service "D" for sanitary sewer lines.
- *Level of Service Policy #7*: Monitor and regulate growth so that cumulative sewage treatment demand can be accommodated by the San José/Santa Clara Water Pollution Control Plant.
- *Level of Service Policy #9*: Encourages use of water conservation programs.
- *Urban Design Policy #7*: Undergrounding of utility lines serving new development.

In addition to the above-listed policies of the San José General Plan, new development in San José is required to comply with programs that mandate the use of water-conserving features and appliances and the City's Integrated Waste Management Program, which minimizes solid waste.



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**FINDINGS:**

The proposed project consisting of a change in land use designation consistent with the existing commercial use would not require construction of new facilities for wastewater treatment, storm drainage, water, or waste disposal because the subject site is located within the City of San Jose Urban Service Area where such facilities exist, and have the capacity to serve the proposed project.

**MITIGATION MEASURES:** None required.

**XVII. MANDATORY FINDINGS OF SIGNIFICANCE**

a) Does the project have the potential to (1) degrade the quality of the environment, (2) substantially reduce the habitat of a fish or wildlife species, (3) cause a fish or wildlife population to drop below self-sustaining levels, (4) threaten to eliminate a plant or animal community, (5) reduce the number or restrict the range of a rare or endangered plant or animal, or (6) eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,10
b) Does the project have impacts that are individually limited, but cumulatively considerable? "Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,16
c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1

**FINDINGS:**

As discussed in the previous sections, the proposed project would have no potentially significant adverse environmental effects. Based on the above noted findings, the impacts of the proposed project would be less than significant.

**MITIGATION MEASURES:** None required.

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2. San Jose 2020 General Plan
3. USDA, Soil Conservation Service, Soil Survey of SC County, August 1968
4. USDA, Soil Conservation Service, Important Farmlands of SC County map, June 1979
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6. Riparian Corridor Policy Study 1994
7. San Jose Historic Resources Inventory
8. City of San Jose Archeological Sensitivity Maps
9. FEMA Flood Insurance Rate Map, Santa Clara County, 1986
10. California Department of Fish & Game, California Natural Diversity Database, 2001
11. City of San Jose Heritage Tree Survey Report
12. California Environmental Protection Agency Hazardous Waste and Substances Sites List, 1998
13. City of San Jose Noise Exposure Map for the 2020 General Plan
14. BAAQMD CEQA Guidelines, Bay Area Air Quality Management District. April 1996, revised 1999.
15. San Francisco Bay Regional Water Quality Control Board 1995 Basin Plan
16. Final Environmental Impact Report, City of San Jose, SJ 2020 General Plan
17. Santa Clara Valley Water District
18. City of San Jose Title 20 Zoning Ordinance
19. San Jose Department of Public Works
20. San Jose Fire Department
21. San Jose Environmental Services Department
22. San Jose Water Company, Great Oaks Water Company
23. California Division of Mines and Geology
24. Cooper Clark, San Jose Geotechnical Information Maps, July 1974
25. City of San Jose Department of Transportation